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Roman Catholic Archdiocese of Newark
(i.p.a. "Archdiocese of Newark"),
St. Theresa's R.C. Church (i.p.a.
"St. Theresa School"), Joseph W. Cardinal
Tobin (i.p.a. "Cardinal Joseph Tobin"),
Rev. Msgr. Thomas P. Nydegger, V.G.
(i.p.a. "Msgr. Nydegger"), Dr. Margaret Dames,
James Goodness, Father Joseph Bejgrowicz,
Deacon Joseph Caporaso (i.p.a. "Joseph Caporoso"),
Sister Helene Godin, Richard Donovan, and Anh Bui

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

SCOTT PHILLIPS, AS GUARDIAN AD LITEM, ON BEHALF OF S.P., B.P. and K.P. and SCOTT PHILLIPS, : Civil Action No. 2:18-cv-12207 (MCA)

Plaintiff, :
v. :
ORDER GRANTING THE CHURCH DEFENDANTS' MOTION TO DISMISS

ARCHDIOCESE OF NEWARK, ST. THERESA SCHOOL, ST. THERESA CHURCH, CARDINAL JOSEPH TOBIN, MSGR. NYDEGGER, MARGARET DAMES, JOHN DOES 1-100, JOHN DOE CORPORATIONS 1-5, JOSEPH BEJGROWICZ, JOSEPH CAPOROSO, HELENE GODIN, SR. JULIETT PEREZ, RICHARD DONOVAN, ANH BUI, JAMES GOODNESS, ROBERT GRIMALDI, WANDA GRIMALDI, MATT POPOLA, LINDA KOSKI, MAKAYLA KOSKI, MARY FERRIS, AMBER PROTZ :
:

SIERANT, CHERYL KREINBERG, :
JONATHON KREINBERG, PETER :
RUNFOLO, JOYCE RUNFOLO, RICH :
HARRINGTON, KELLY DONOVAN, :
JEANNIE PAVLIK, MATTHEW PAVLIK, :
JAMES PAVLIK, MARYANN GASPER, :
THERESA ADUBATO, HEATHER :
INGERSON, MARIA HARRIS, HEATHER :
ST JOHN, YANCY MUÑOZ, KATHLEEN :
SPOONAUER, CELIA SOUSA, EILEEN :
KELLY-O'BRIEN, VICTORIA DEVLIN, :
ROSEMARY RUBSAM, ROSANELLY :
MONTALVO, GERRI COLON, LAURIE :
GRIMES, MICHELLE CERNADAS, :
JOSEPH KRATZER JR., NATALIE :
WOOD, PATRICIA LANDAU, AMY :
REITHEL, ANN FERRARI, CYNTHIA :
GAILLIOT, BERADINE GILRAIN, :
BONNY HOTRA, BLANCA PASTORE, :
IZAIDA ROSA GARBANZO, JO RIVERA, :
DENISE, RICHARD, JOSEPH, JESSICA, :
NICHOLAS MIRABELLA, JOCELYN :
EDRALIN, MANUEL VAGUEIRO, KERRI :
KILLEN, JO ANN NETTA, NANCY :
ZIMMERMAN, MARIA STREKO, ROCIO :
CORVALAN, CHRISTINA RESTUCCIA, :
MICHAEL DEVLIN, GUILLERMO :
MUÑOZ, DEBORAH GIVENS/MATE, :
KAREN ZIMMERMAN, JIM HANNON, :
ALICE SCALA, EMILY VIDAL, MARY :
GAINES, SUSAN GIORDINO, :
ROSEANNE SCHUR, ANGELA :
LOMBARDI, ROGER SCHUR, MICHAEL :
MONTALVO, JEFF FERRARI, WILLIAM :
GORSKI, ROGER STRYESKI, THOMAS :
BRACKEN, FRED SOOS, SUSAN :
DOUGHERTY, MICHELE MILLER, ANN :
MORTIMER, TRISH RICKEN :
PLUMMER, ANDREA ZAGORSKI :
SCHUSTER, MARIA BUI, AMY ROSE, :
KELLY ANN HARRIS, PATRICIA RIMILI :
BLICHARZ, "BCSH9094", "STDA" AND :
"BEEZLEBROX", :
:

Defendants.

THIS MATTER having been brought before the Court by Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C. (Christopher H. Westrick, Esq., appearing) attorneys for Defendants Roman Catholic Archdiocese of Newark (i.p.a. "Archdiocese of Newark"), St. Theresa's R.C. Church (i.p.a. "St. Theresa School"), Joseph W. Cardinal Tobin (i.p.a. "Cardinal Joseph Tobin"), Rev. Msgr. Thomas P. Nydegger, V.G. (i.p.a. "Msgr. Nydegger"), Dr. Margaret Dames, James Goodness, Father Joseph Bejgrowicz, Deacon Joseph Caporaso (i.p.a. "Joseph Caporoso"), Sister Helene Godin, Richard Donovan and Anh Bui (the "Church Defendants," collectively) by way of motion seeking an Order Dismissing with Prejudice the Plaintiffs' Complaint (except as to any claim in Count One thereof asserting the Church Defendants violated Title IX, 20 U.S.C. § 1681(a)), pursuant to Fed. R. Civ. P. 12(b)(6); on notice to the Law Offices of Susan B. McCrae (Susan B. McCrae, Esq., appearing), attorney for plaintiffs Scott Phillips, as guardian ad litem on behalf of S.P., B.P. and K.P., and Scott Phillips; and the Court having considered the submissions of the parties and oral argument, if any; and other good and sufficient cause having been shown;

IT IS on this _____ day of October _____, 2018,

ORDERED as follows:

1. The Church Defendants' Motion to Dismiss the Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(6) is hereby GRANTED.
2. Count One of the Plaintiffs' Complaint is hereby dismissed with prejudice insofar as it purports to assert a claim under the New Jersey Law Against Discrimination, *N.J.S.A. 10:5-1, et. seq.*

3. Count Two of the Plaintiffs' Complaint (Failure to Remedy – Breach of Contract) is hereby dismissed with prejudice.
4. Count Three of the Plaintiffs' Complaint (New Jersey Anti-Bullying Bill of Rights Act) is hereby dismissed with prejudice.
5. Count Four of the Plaintiffs' Complaint (Good Faith and Fair Dealing) is hereby dismissed with prejudice.
6. Count Five of the Plaintiffs' Complaint (Failure to Remedy – Defamation) is hereby dismissed with prejudice.
7. Count Six of the Plaintiffs' Complaint (Defamation) is hereby dismissed with prejudice.
8. Count Seven of the Plaintiffs' Complaint (Expulsion – Breach of Contract) is hereby dismissed with prejudice.
9. Count Eight of the Plaintiffs' Complaint (Fraud) is hereby dismissed with prejudice.
10. Count Nine of the Plaintiffs' Complaint (Negligence, Negligent and Intentionally Infliction of Emotional Distress) is hereby dismissed with prejudice.
11. Count Ten of the Plaintiffs' Complaint (Consumer Fraud) is hereby dismissed with prejudice.

AND IT IS FURTHER ORDERED that a true copy of this order shall be served upon all counsel of record, within _____ days of the date hereof.

HON. MADELINE COX ARLEO, U.S.D.J.